

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

PAUL MANEY, et. al.,

USDC Case No. 6:20-cv-00570-SB

Plaintiff,

v.

DECLARATION OF
Wayne Houff
SID # 12348545

KATE BROWN, et. al.,

Defendants.

I, Wayne Houff, declare under penalty of perjury as follows

1. I make this declaration based upon my own personal knowledge.
2. This declaration is made in support of Plaintiffs' Motion for a Temporary Restraining Order.
3. For all times relevant, I am an inmate confined at the Oregon State Correctional Facility, in Salem, Oregon.
4. On or about April 9, 2020, I completed the Oregon Justice Resource Center COVID-19 Questionnaire. A genuine and true copy of that document is incorporated and attached hereto at Att-1.

5. On May 9, 2020, I spoke to investigator Althea Seloover regarding the living conditions at Oregon State Correctional Institution. Specifically, I said the following:

a. On or about March 20, 2020 I developed a low-grade fever, overactive sinus mucus glands and a sore mouth palate for 3 days. I felt better for about two weeks and then started experiencing the same symptoms again. I think I'm now at the tail end of the illness. I have shortness of breath, coughing, and have phlegm in my throat. I did not seek medical treatment at any point. There's a fear that if you report symptoms you are going to be put in segregation and so it's better to keep your mouth shut.

b. I've never had my temperature taken or received any triage medical services on my unit or anywhere else in the facility since the COVID19 crisis began.

c. I'm the lead orderly on my unit, Unit 11. I bring a broom, mop, bucket of mop water, and a spray bottle with an unknown cleaner by each cell for them to clean. The facility does not provide any rags, paper towels, or anything else for AICs to use. AICs have to use their in-cell toilet paper to clean with.

d. I change out the mop water after 20 or so cells have used the mop. The mop head gets changed out each day.

e. If someone doesn't want to clean their cell, they don't have to. We consider it to be an honor system.

f. The correct way to use the spray cleaner according to the label on the bottle is to leave it sitting for 10 minutes. The large majority of AICs I observe spray it and immediately wipe it.

g. About three or four weeks ago I started wiping down the phones, microwave, railings, tables, and all common surfaces I can think of in the morning. I also started putting a spray bottle of cleaner and a rag by each phone so people on my unit can wipe phones down between uses. I was not instructed to do this, it just felt like the best way to take care of my community. I don't know if this is happening on other units.

h. Toilet paper has been rationed since the pandemic started. We used to be able to get as many rolls of toilet paper each morning that we would need but now each person gets one roll per day.

i. Laundry access has not increased. I am able to change out my clothing once a week on Saturday. At that clothing exchange I am provided two pairs of jeans, 6 t-shirts, 6 pairs of underwear, 2 sweatshirts, 2 towels, and a set of sheets.

j. In mid-March there were a ton of people who were horrendously sick. There were some guys who looked like they were ready to die. One guy told me he was laying on the floor of his cell in his underwear trying to keep his body temperature down. There seem to be fewer people in my unit sick now.

k. In the past few weeks I have not seen anyone on my unit visibly sick.

l. Generally speaking they're keeping us segregated in chow hall and yard. I work as a legal assistant so I have to see people from all units in the library. I do not wear a mask in the library and generally nobody is wearing them.

m. Only the legal library is open right now, not the general library. They're limiting the number of people allowed in the library at a time but when I'm seeing an AIC client, I'm sitting right next to them.

n. Around the end of March or beginning of April the librarian was out for approximately 10 days and DOC did not fill her post. The librarian got sick with the same symptoms that we had. We didn't have access to legal calls and I was unable to help my AIC clients with legal issues as I didn't have access to work materials.

o. My cellie is 70 years old and has underlying conditions. I worry about bringing something back to the cell and getting him sick.

p. There are several COs who are wearing masks but certainly not all of them.

q. The only cleaning off of my unit that I've observed is in the chow hall but it's woeful. As well as I can observe, they're using the same cleaning spray I use on unit in my orderly job that's supposed to sit for 10 minutes before wiping up. They are not waiting 10 minutes before wiping it up.

r. There are several common objects in the chow hall like the salt and pepper shakers and the beverage bar. I'm in the chow hall three times a day and I haven't observed these items being cleaned one single time.

s. None of the line servers in the chow hall are AICs from unit 11 where I live. They started being required to wear masks about 3 or 4 weeks ago.

t. My cellie told me he's required to wear a mask when he goes into medical but I haven't personally needed to go to medical. Personally, there are no areas I regularly go in the facility where I'm required to wear a mask.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: May 9, 2020.

Respectfully submitted,

s/Wayne Houff

Wayne Houff

SID # 12348545

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OREGON JUSTICE RESOURCE CENTER

COVID-19 QUESTIONNAIRE

Please fill out this form to the best of your ability. You may skip any questions that are not relevant. You may include additional pages if needed. The information you provide is confidential and protected by the attorney/client privilege. The Oregon Justice Resource Center will not disclose any information listed below without your authorization.

Name: Wayne Houff SID #/Jail ID # if any: 12348545

Prison/Jail: OSCI Today's Date: 4/9/20

Age: 53 Sentence (if applicable): 12½ to 30 - years (6-2024 release date)

Cell Sanitation

Are you given cleaning products to clean your cell? If yes, what products, how do you acquire them (i.e. issued by the prison/jail, from store, etc.), and how often do you receive them?

Yes. Every morning (Monday, Tuesday, Thursday, & Friday) a broom, mop and spray bottle with some unknown "cleaner" is brought to the cells by inmates.

Has your access to cleaning products changed since March 16, 2020? If so, please describe:

No

Personal Hygiene

Do you have access to personal hygiene products (soap, toilet paper, pads, etc.)? Are these items provided by the prison/jail or are you required to purchase them? Please describe:

Yes. DOC provides soap & toilet paper, although the latter has been rationed lately.

Are you provided opportunities to wash your hands with soap throughout the day? If not, are you provided other ways of washing your hands (such as hand sanitizer) when soap and water are unavailable? If yes, how do you access it?

Yes. I have running water in my cell with soap provided or soap I buy. DOC does not allow us access to hand sanitizer

Are you being provided regular access to showers and laundry? Please describe: I can shower

every day. DOC allows me to exchange my laundry once a week.

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Has your access to soap, hand sanitizer, hygiene products, showers, or laundry changed since March 16, 2020? Please describe: yes. Toilet paper has been rationed

Medical Access

If you were admitted to a jail or prison in March 2020, or transferred from one facility to another in March 2020, were you given a medical screening? Do you know whether you were screened for COVID-19 upon entry? Please describe:

N/A

Are you older than 60, or do you have pre-existing health conditions? If so, do you think you are at higher risk of infection or complications from the virus? Please explain:

N/A

Have you had a fever, a cough, or breathing trouble recently? If yes, what symptoms did you experience and when did they begin? About March 20, 2020, I developed a low-

grade fever, overactive sinus mucous glands and a sore mouth palate for 3-days

If you experienced these symptoms, did you put in a sick call request? If yes, when?

No. We are not allowed to orally report anything unless it is life-threatening.

Anything else requires a paper request with about a 3-7 day lapse.

Have you seen a medical provider about these symptoms? If yes, what treatment did you receive? Please describe:

No. See above

Did medical staff take your temperature, or were temperature checks conducted in housing areas? If so, what kind of thermometer did they use (oral, no-touch, etc.)? If a traditional oral thermometer was used, were proper precautions taken to prevent cross-contamination (changing gloves and protective sleeves between each person)?

No. See above

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If you experienced symptoms of COVID-19 since March 2020, did you report them? When you reported your symptoms to prison/jail staff, what happened? Were any measures taken to separate or quarantine you? Please explain: No. See above.

Have you requested a COVID-19 test? If yes, when? What was the response?

No

Have you been charged for sick calls related to COVID-19 or flu symptoms? If so, when? Did you appeal the charges? Please explain: N/A

Exposure/Possible Exposure

Do you believe you have been exposed to COVID-19? Please explain: _____

Yes. Mid March, there were many inmates who were extremely sick here.

Have you tested positive for COVID-19? If yes, when and where were you diagnosed? No/N/A

Where were you when you tested positive (in prison/jail medical, in a hospital, etc.)? Were you re-located to a new place when you tested positive? If so, please describe:

N/A

Please describe any medical treatments you have received related to COVID-19: _____

N/A

Are you aware of any staff or inmates who have been diagnosed with COVID-19 or identified as possibly having COVID-19? Please provide as much information as possible: _____

As far as I know, only 2 inmates have been tested here at OSC1.

Communication

Have you been able to make phone calls since March 14, 2020? yes

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If incarcerated at an ODOC facility, have you received two, free, five-minute phone calls per week since March 18, 2020? Please explain: Don't know, have not used the phones

Have you been able to communicate with loved ones using Telmate or whichever inmate communication system your jail uses since March 14, 2020? yes. I have sent and received emails.

Have you been able to send and receive mail since March 16, 2020? Please describe: yes. Mail does not appear to have been affected, however there is nothing to gauge.

Congregate Activities

Has the frequency with which shared spaces (kitchens, dining areas, recreation areas, showers, etc.) are cleaned increased since March 16, 2020? Please describe: yes and no. There are

areas in the dining hall (i.e. beverage station, salt & pepper shakers) that all inmates touch that are not being properly cleaned.

If you have a work detail, has your work been restricted since March 16, 2020? Have any additional precautions been taken to limit exposure (i.e. use of masks and gloves, increased access to cleaning products, increased access to handwashing or sanitizer)? Please describe: I am a legal Assistant. The DOC has effectively closed access to the library. When it was open I was not afforded PPEs.

Are group activities still taking place inside the prison/jail? Please describe: yes. Each unit is now somewhat segregated for activities, however, within the unit we can congregate with as many other people as close as we want.

Has the process for taking people to the yard, showers, or meals changed since March 16, 2020 (i.e. changes in the number of people taken at once, frequency of trips, etc.)? Please describe: yes. The ODOC has segregated units to some extent.

Legal Access

Have you been able to communicate with your attorney since March 16, 2020? (Do not tell us the substance of any of your communications.) If yes, how have you communicated with them

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(i.e. mail, Telmate, legal calls, visits)? We are not asking about the contents of your communications, but about whether you have had the ability to communicate with your lawyer.

The DOC has discontinued visits, but still allows mail. With the recent closure of the library, we are no longer getting calls.

Are you able to access the law library? Please describe any limitations or changes to your access:

No. The library has been closed because the librarian has self-isolated and the DOC has not filled her post.

Other

Has movement inside the prison/jail been restricted in any way since March 2020? If yes, how (e.g. entire dorm or facility on lockdown; restrictions on certain people or groups of people)?

yes. We no longer have education, religious services, self-help classes.

Has your ability to file grievances changed at all since March 2020? If yes, please describe:

It appears not.

Have you filed a grievance related in any way to COVID-19? If so, when? Please describe what the grievance said and what response, if any, you received:

No / N/A

Have you been given any information from the prison/jail about COVID-19 (including information about precautionary measures, what policies the prison/jail has adopted in response, etc.)? If so, when did you receive this information and how was it communicated to you?

Please describe:

There are many memos posted in the unit. Within the last week, the DOC has shown a CDC information video on the institution TV channel.

Is there anything else related to COVID-19 that you are concerned about that was not asked?

- (1) The institution does not have commonly-touched surfaces adequately cleaned;
- (2) We are way too overcrowded. If the virus takes hold there will be deaths;
- (3) We have no legal library access;
- (4) Attached you will find a restricted canteen order form. Notice we can only order junk food with almost nothing to combat viruses or their symptoms.

The Oregon Justice Resource Center thoroughly reviews every letter we receive. While we may not be able to respond to every letter, the information you provide will help us better understand the situation on the ground in order to focus our future advocacy and litigation efforts.

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Please mail this form to:

Juan Chavez
Attorney and Project Director
Civil Rights Project
Oregon Justice Resource Center
PO Box 5248
Portland, OR 97208

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